

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
WESTERN DIVISION**

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**STATE OF KANSAS, STATE OF NORTH  
DAKOTA, *et al.*,**

*Plaintiffs,*

**v.**

**UNITED STATES OF AMERICA, *et al.*,**

*Defendants.*

Case No. 1:24-cv-00150-DMT-CRH

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## DECLARATION OF ROBIN R. REHBORG

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Pursuant to 28 U.S.C. § 1746, I, Robin R. Rehborg, states as follows:

1. My name is Robin R. Rehborg. I serve as the Deputy Director for Driver Safety of the North Dakota Department of Transportation (NDDOT). I have served with the NDDOT for approximately 18 years. In my capacity as Deputy Director of the NDDOT, I am familiar with the State of North Dakota's processes and costs for issuing Driver Licenses and Identification Cards. I am over 18 years of age, have personal knowledge of the matters set forth herein, and am competent to make this Declaration.

2. At the request of the North Dakota Attorney General's Office, NDDOT has analyzed the approximate average net costs incurred by the State for each Driver License or Identification Card that is issued or renewed by the State.

3. NDDOT does not track costs for issuing Driver Licenses or Identification Cards on a person-by-person basis. However, NDDOT does have aggregate information about its operational costs and the numbers of Driver Licenses and Identification Cards that it has issued. In order to calculate the average costs per credential reflected in this declaration, NDDOT used data from the 2021-23 biennium, which is the latest complete data set available to it. NDDOT has no reason to believe that average net costs during the current biennium, or during the biennium preceding 2021-23, are or were substantially different.

4. For non-commercial Driver Licenses, the average net cost per license is different based upon whether the license was issued after testing (generally required when an applicant receives their initial license) or whether the license was issued without testing (which typically occurs when the applicant seeks a timely renewal of a previously issued license).

5. For non-commercial Driver License applicants that did not require testing, NDDOT has calculated that the State incurred average costs of approximately \$18.97 for each Driver License that was issued by the State. That number reflects the average cost for creating each credential and includes material costs as well as staff hours for receiving and reviewing the required documentation for each applicant, creating and distributing each physical card, and updating and maintaining required databases. For calculating that average cost per Driver License credential issued (without testing), NDDOT divided the total costs for creating Driver Licenses during the 2021-23 biennium by the number of Driver Licenses issued during that biennium, that did not require testing, plus employee time for processing the applications. That average cost of \$18.97 per license relates only to the processing, creation, and maintenance of the Driver License credential; it does not include costs related to administering or reviewing the written or road test portions of a Driver License.

6. The State of North Dakota receives a \$15 fee from each applicant for a Driver License (without testing). Using the \$15 application fee as an offset to the \$18.97 in average State costs for creating each license, NDDOT produced each Driver License that was issued without testing at a net cost to the State of approximately \$3.97 per credential.

7. For Driver License applicants that require testing, the State of North Dakota incurs the same net expenses described above (\$18.97 to produce the card, offset by the \$15 application fee, for a net cost of \$3.97 per credential), but it also incurs net costs related to administering and reviewing both a road test and a written test. For non-commercial Driver License testing, the road test portion requires the State to incur substantially more expenses than the written portion.

8. For written testing, NDDOT incurs a flat cost of \$1.50 each time the test is taken in-person. NDDOT also incurs a small amount of staff time expenses related to administering

each written test that is taken; however, for purposes of this calculation NDDOT is treating the staff time expenses related to administering written tests as zero. Consequently, for written tests, NDDOT incurs, at minimum, a cost of \$1.50 for each test taken in-person.

9. For road testing, NDDOT has calculated that the State incurs aggregate average costs of approximately \$12.47 for each road test conducted. That aggregate average testing cost consists of staff time for administering the tests and reviewing test results. For calculating average costs per road test, NDDOT divided the costs of administering and reviewing all non-commercial Driver License road tests that were conducted during the 2021-23 biennium by the total number of road tests that were taken during that biennium.

10. For non-commercial Driver License testing, the State of North Dakota receives \$5 for each road test or in-person written test that is attempted.<sup>1</sup> Some applicants may require multiple tests; however, the majority of applicants who receive a Driver License require only one written test and one road test. In order to calculate an average testing cost per applicant who received a Driver License (with testing), for purposes of this declaration NDDOT treated each successful Driver License applicant who received a Driver License (with testing) as requiring only two tests (one in-person written test and one road test).

11. Using both of the \$5 test fees (i.e., \$10) as an offset to the \$12.47 in average State costs per road test plus \$1.50 in State costs per in-person written test, NDDOT calculates that it conducted non-commercial Driver Licensing testing at an average net cost to the State of approximately \$3.97 for each Driver License applicant that received testing (most of whom

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<sup>1</sup> NDDOT also allows non-commercial Driver License applicants to take the written test online remotely. Applicants are charged a \$10 fee for taking the test remotely, all of which is paid to the vendor, and none of which is paid to NDDOT. NDDOT must then dedicate staff time to reviewing the results of written tests taken online when the applicant comes in-person to NDDOT. During the 2021-23 biennium, the majority of applicants taking the written test took the test in-person.

required only one written test and one road test). However, that calculation of net testing costs per applicant is likely lower than reality given that, as noted above, some applicants require multiple roads tests, and each additional road test comes at an average net cost of \$7.47 to the State. For example, a Driver License applicant who took one written test and two road tests required the State to incur average net costs of \$11.44 for testing.

12. That average net testing cost of \$3.97 per successful applicant (with one in-person written test and one road test) is in addition to the average net cost of \$3.97 to produce the card, yielding an average net cost of \$7.94 for each non-commercial Driver License issued by the State that required testing (assuming only one in-person written test and one road test).

13. For Identification Cards, NDDOT has calculated that the State incurs aggregate average costs of approximately \$18.97 for each Identification Card that is issued or renewed (the same approximate cost as creating a Driver License, without any testing).

14. The State of North Dakota receives an \$8 fee for each applicant for an Identification Card that is issued or renewed. As such, during the 2021-23 biennium, each Identification Card issued by the State was at an average net cost of approximately \$10.97 per credential.

15. Non-commercial Driver Licenses issued by the State of North Dakota must be renewed every 6 years, and Identification Cards must be renewed every 8 years.

16. Driver Licenses and Identification Cards issued by the State of North Dakota to non-citizens must be distinguishable from Driver Licenses and Identification Cards issued to U.S. citizens. *See N.D.C.C. § 39-06-07.1.* Currently, the State of North Dakota has 12,879 active Driver Licenses and Identification Cards issued to non-citizens of the United States; 10,766 of those non-citizen credentials are Driver Licenses and 2,113 are Identification Cards.

17. NDDOT staff working at my direction have reviewed the list of 126 individuals

that was provided by the Attorney General's Office and checked them against NDDOT's records. Based on NDDOT's records, the following numbers of those individuals have active North Dakota-issued Driver Licenses or Identification Cards as of the date of this declaration:

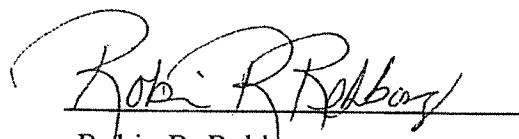
- a. Non-Commercial Driver Licenses (without testing): 67
- b. Non-Commercial Driver Licenses (with testing): 36
- c. Identification Cards: 3

18. NDDOT is currently only capable of reporting the average costs for creating Driver License and Identification Card credentials on an aggregate basis and is unable to offer a specific number for the difference in average costs associated with citizen and non-citizen credentials. However, NDDOT believes to the extent there is a difference in average costs per applicant, non-citizen applicants will be slightly higher than the average due to additional staff time required to confirm eligibility and verify documents.

19. Lastly, in addition to the numbers of non-commercial Driver Licenses and Identification Cards discussed above, NDDOT's records also indicate that 5 individuals on the list of 126 individuals had specialized Driver Licenses—specifically 1 of those individuals also has a motorcycle endorsement on their Driver License, and 4 of those individuals have some form of Commercial Driver License. Those specialized Driver Licenses impose additional net costs to the State; however, the average net cost incurred by each of those specialized Driver Licenses has not been calculated for purposes of this declaration.

20. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed in Bismarck, North Dakota, on October 31, 2024.



Robin R. Rehborg  
Deputy Director for Driver Safety  
N.D. Department of Transportation